THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.23739 of 2005

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Dated:09.11.2005

Between:

K. Narsimhulu, S/o. Chennaiah,
Plot No.61, Kalyannagar, Hyderabad, and others.

..... PETITIONERS

AND

Joint Collector, Ranga Reddy,Dist,
Khairatabad, Hyderabad, and others.

.....RESPONDENTS

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ORDER:

The petitioners, seven in number, filed the writ petition praying for a writ of certiorari to call for the records connected with the proceedings of the first respondent dated 27.03.2004 confirming the orders passed by the second and third respondents, and quash the same as illegal and arbitrary.

The land in Survey No.18 admeasuring Ac.1.36 guntas in Guttala Begumpet Village, Serilingampally Mandal in Ranga Reddy District, originally belong to one Kulsum Bee. The petitioners allege that Kulsum Bee executed a registered General Power of Attorney, dated 11.05.1989, in favour of one B.Narasimha and that after death of Kulsum Bee,
the petitioners purchased various extents of land in Survey No.18 from
B.Narasimha after parting with valuable consideration. The petitioners allegedly took possession of the land and made constructions thereon. It appears that respondent Nos.4 to 14 herein purchased the land under agreement of sale from Ameena Begum, who claim to be the daughter-in-law of Kulsum Bee, who died in

1989. On their application, the third respondent made necessary changes in the revenue records duly mutating in favour of respondent Nos.4 to 14. Aggrieved by the same, the petitioners herein filed applications before the third respondent, who by order dated 24.07.2001 rejected the applications. The appeal of the petitioners was dismissed by the Revenue Divisional Officer, the second respondent herein, on 21.09.2002. The petitioners, therefore, have filed a revision petitioner under Section 9 of the A.P.Rights in Land and Pattadar Pass Books Act, 1971, before the first respondent, who by order dated 27.03.2004 rejected the revision petition. After lapse of more than one year six months, the petitioners filed the present writ petition challenging the order of the Joint Collector, dated 27.03.2004.

The learned counsel for the petitioners, Ms. D.Vatsalendra, submits that the Mandal Revenue Officer did not issue any notice in 2001 before making changes in the mutation in the revenue records in favour of respondent Nos.4 to 14, and the Revenue Divisional Officer and the Joint Collector failed to appreciate the same. She also contends that Ameena_Begum or respondent Nos.4 to 14 did not file any proof of succession and that late Kulsum Bee died issueless and she has no sons or daughters, and therefore, the claim of Ameena Begum that she is daughter-in-law is not correct.

The learned Assistant Government Pleader for Revenue (General) has taken this Court through the orders passed by the Mandal Revenue Officer, Revenue Divisional Officer and the Joint Collector and submits that as per the records, Kulsum Bee died in 1989, and therefore, the General Power of Attorney holder could not have validly executed any sale deeds in favour of petitioners in 1995. Therefore, he would urge that the claim of the petitioners is baseless and they have no right over the land in question.

The order of the Joint Collector reads as under.

> The matter was taken up on file for enquiry and notices issued to both the parties fixing a date of hearing on 20.01.2003. The matter was posted from time to time and finally called on 27.03.2004. The counsel for appellants absent. Appellants also absent. Counsel for respondent present. Smt.Kulsum Bee is the owner of the land who gave G.P.A to Sri Narsimha on 11.05.1989. As per the exhibit marked as Ex B2 in the O.S.No.127/2002 in the court of The Prl.District Judge, Ranga Reddy District the death of Smt.Kulsum Bee was considered as back as on 26.6.1989 and consequently, holding that Sri B.Narsimha being the G.P.A holder of Smt. Kulsum Bee could not have conveyed valid rights in favour of the petitioners by virtue of the sale deeds and there was no flow of any right to the petitioners and consequently, confirmed the sale of land in favour of the respondents as ordered by the Mandal revenue Officer, Serilingampally Mandal dated 24.07.2001 vide proceedings No.B/122/2001. The Mandal Revenue Officer, Serilingampally however has not collected the registration fee applicable on the instrument dated 5.1.1996. This has to be collected invariable. However, the G.P.A ceases at the death of principal. Therefore, the orders of the Revenue Divisional Officer, Chevella Division dated 21.09.2002 in case No.C/2642/2001 are modified to the extent as above. In view of the above facts, the revision petition is devoid of merits. Hence

dismissed.

The above explanatory order would reveal that the learned counsel for the petitioners before the Joint Collector failed to appear in spite of notices of hearing. Secondly, as per Ex.B-2, which is an order of the Court of the Principal District Judge, Ranga Reddy District, Kulsum Bee died on 26.06.1989, and therefore, B.Narasimha ceases to be the General Power of Attorney of Kulsum Bee. Any sale deed or document of conveyance executed by B.Narasimha in 1995 allegedly in favour of petitioners does not confer any right on the petitioners. When the names of the petitioners were not entered in the revenue records, there was no necessity for the Mandal Revenue Officer to issue any notice before ordering amendments/changes in the revenue records. Therefore, this Court does not find any merit in the contention of the petitioners.

The Writ Petition, for the above reasons, is accordingly, dismissed. No costs.

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(V.V.S.RAO, J)

09.11.2005

vs